
(2020) 12 MP CK 0211

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.51627 Of 2020

Bhagwandas Yadav

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 28-12-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 438(2)
Indian Penal Code, 1860 — Section 34, 306

Citation : (2020) 12 MP CK 0211

Hon'ble Judges : Vijay Kumar Shukla, J

Bench : Single Bench

Advocate : Arvind Kumar Shrivastava, Pradeep Dwivedi

Final Decision : Allowed

Judgement

Vijay Kumar Shukla, J

On account of prevailing conditions worldwide brought about by the COVID-19 virus, the appeal has been heard through video conferencing in order

to maintain social distancing. The necessary parties have effectively been represented by their respective counsel via video conferencing.

Heard and perused the record.

This is the first bail application filed by the applicant Bhagwandas Yadav under Section 438 of Cr.P.C. for grant of anticipatory bail.

The applicant apprehends his arrest in connection with Crime No.338/2020 registered at P.S. Kudeela, District Tikamgarh (M.P.) for the offence

punishable under Sections 306 of IPC r/w 34 of IPC.

It is alleged that one Balram Yadav committed suicide by electrocuting himself by naked wire. The counsel for the applicant submits that on

15.10.2020, the deceased had assaulted applicants Daughter-in-law Sandhya and others causing grievous injuries to her. She had to be admitted in the hospital and then was taken to Jhansi Hospital for treatment. It is alleged that against the deceased, an FIR was lodged at Police Station, Khargapur and offence was registered against the deceased. In order to avoid the arrest, he had shifted to 30 kms from Deopur in his relatives house where he died due to accident with naked wire. The police has prepared a false case against the applicant on the basis that because of the abatement, the deceased has committed suicide by electrocuting himself by naked wire.

The counsel for the state submits that as per the statement of the wife of the deceased, the deceased was abated by the present applicant and others for committing suicide by torturing him.

It is directed that in the event of arrest, the present applicant-Bhagwandas Yadav , shall be released on bail on his furnishing a personal bond in a sum of Rs.50,000/- (Rs. Fifty Thousand only) with one surety in the like amount to the satisfaction of arresting officer. The applicant shall further abide by the other conditions enumerated in sub-Section (2) of Section 438 of Cr.P.C.

A typed copy of this order be forwarded by the Registry to the Office of the Advocate General and to Shri Pradeep Dwivedi, learned Panel Lawyer, on their respective email addresses, for intimation to the police station concerned.

Accordingly, the application is allowed.

Certified copy, as per rules.